



## Legislation Text

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**File #:** 56455, **Version:** 1

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### Fiscal Note

The proposed resolution amends the 2019 Adopted Budget to appropriate \$150,000 in Engineering-Major Streets for the Pope Farm Estates project. The proposed amendment will be funded private developer funding. The increased appropriation will be used for fee title and temporary limited easement acquisition for new street intersection improvements as part of this project.

The City of Madison is to be reimbursed by the developer for all costs associated with this acquisition as set forth in Contract No. 8392.

### MUNIS:

The Budget Amendment needed is as follows:

\$150,000 12598-402-110

(\$150,000) 12598-402-805

### Title

Amending the 2019 Capital Budget of Engineering-Major Streets and Determining a Public Purpose and Necessity and adopting a Relocation Order for the acquisition of land interests required for the construction and maintenance of improvements for a public street. Being part of NE ¼ of the NE ¼ of Section 20, T 7 N, R 8 E, in the City of Madison. (9th AD)

### Body

**WHEREAS**, the Middleton-Cross Plains Area School District submitted on December 19<sup>th</sup>, 2018 to the City of Madison Planning Unit, a preliminary plat and final plat of Pope Farms Estates for approval by the Madison Common Council of a property addressed as 10202 Old Sauk Road, City of Madison, Dane County, Wisconsin; and,

**WHEREAS**, the City of Madison Common Council adopted Resolution Number RES-19-00156, File No. 54204, on February 26, 2019, conditionally approving the preliminary plat and final plat of Pope Farm Estates; and,

**WHEREAS**, a condition for the approval of the preliminary and final plat of Pope Farm Estates is for the Developer to construct the street improvements necessary to serve the lots within the plat. This requirement includes any necessary public street improvements lying outside of the boundary of the plat including a relocated intersection of Old Sauk Road and Schewe Road; and

**WHEREAS**, a requirement of the approval of the final plat of Pope Farm Estates is for the Developer to acquire the right of way and easements, as required by the City, for the required public street improvements outside of the boundary of the plat, at the developer's expense. In the event that the developer is unable to acquire the right of way and easements required, the City shall proceed to acquire the right of way and easements. The developer shall reimburse the City for all costs associated with the acquisitions; and

**WHEREAS**, the City of Madison Common Council adopted Resolution Number RES-19-00340, File No. 55332 on April 30, 2019 approving plans and specifications necessary to serve Pope Farm Estates and also authorizing the Mayor and City Clerk to execute a Contract (Private Contract No. 8392, Engineering Proj No. 12598) For The Construction of Public Improvements That Will be Accepted By The City Of Madison For Pope Farm Estates with the Middleton-Cross Plains Area School District. Under Section II - Supplemental

Conditions of said Contract, The Developer shall be responsible for acquiring Temporary Limited Easements for Grading and Construction purposes along Schewe Road to facilitate construction of the public road and adjoining sidewalks and paths. In the event that the Developer is unable to acquire the required easements, the City shall assist the Developer in acquiring the easements and the Developer shall pay the City for all costs associated with the acquisition. Said contract has been executed by all Parties; and

**WHEREAS**, the Middleton-Cross Plains School district has been unable to acquire the necessary right of way and easements to for the Public Street Improvements at or near the re-located intersection of Schewe Road and Old Sauk Road; and

**WHEREAS**, the City of Madison Office of Real Estate Services has established a Master File / Project No. 11891 to facilitate and administer acquisition of required land interests to construct and maintain the necessary Public Street Improvements; and

**WHEREAS**, attached hereto and made part of this resolution is a City of Madison Relocation Order Map titled "PLAT OF LAND INTERESTS REQUIRED FOR THE CONSTRUCTION OF IMPROVEMENTS FOR A PUBLIC STREET", BEING PART OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 20, TOWNSHIP 07 NORTH, RANGE 08 EAST, CITY OF MADISON, DANE COUNTY, WISCONSIN; and,

**WHEREAS**, this Relocation Order Map identifies the necessary public land interest areas of acquisition as shown on the City of Madison Relocation Order Map and Schedule of Land Interests Required for the construction and maintenance of the necessary public improvements and grading and sloping associated with the Public Street Improvements; and,

**WHEREAS**, all required funding for the land interest acquisitions by the City of Madison will be available in Account Number 11259-402-110 Pope Farm Estates (Fee Acquisitions).

**NOW THEREFORE BE IT RESOLVED,**

1. That this Resolution is a Relocation Order in accordance with Section 32.05(1) and 62.22, Wisconsin Statutes for the purpose of the within described public acquisition project and that this acquisition is determined to be necessity in accordance with Section 32.07(2), Wisconsin Statutes, and the acquisition shall allow for the construction of planned public street improvements and grading and sloping associated with Pope Farm Estates, Engineering Project No. 12598, Contract No. 8392.
2. That the City of Madison hereby determines that it is necessary and a public purpose exists to acquire necessary land interests from the properties/parties as identified in the Schedule of Land Interests on the attached Relocation Order Map and such acquisitions are required to allow for the construction of said public street improvements.
3. That the Common Council of the City of Madison, does hereby adopt this relocation order to acquire the necessary land interests required for the construction of the public street improvements associated with Engineering Division Project Number 12598 - Pope Farm Estates consisting of the attached Relocation Order Map in accordance with Section 32.05(1) and 62.22, Wisconsin Statutes.
4. That the Office of Real Estate Services of the Economic Development Division and the City Attorney are hereby authorized to proceed by negotiation or condemnation under authority of Section 32 and 62.22 of the Wisconsin Statutes to acquire the real estate interests shown on said Relocation Order. Also, the Office Real Estate Services is further authorized to obtain title reports, appraisals, survey information, environmental site assessment reports, and any other essential material or reports as may

be necessary to perform due diligence in accomplishing the acquisition.

5. That the City Of Madison Office of Real Estate Services Division of the Economic Development Division staff shall administer the acquisition of all land interests by Real Estate Master Project No. 11891.
6. That the City of Madison Office of Real Estate Services of the Economic Development Division is hereby authorized to execute the jurisdictional offer, lis pendens, and award of the compensation if condemnation proceedings under Section 32 of the Wisconsin Statutes are necessary.
7. That the Mayor and City Clerk are authorized to sign all necessary documents to accomplish the acquisition.
8. That in conformance with the Contract for the Construction of Public Improvements To Be Accepted by the City of Madison Pope Farm Estates, Contract No. 8392, Engineering Proj. No. 12598, the Developer shall reimburse the City of Madison for all costs associated with the acquisition(s) as identified on the Schedule of Land Interests on the attached Relocation Order Map.

BE IT FURTHER RESOLVED, that the 2019 Capital Budget of Engineering-Major Streets is hereby amended to provide for the acquisition of the necessary easements with funding from the developer.